

S/10/519,174

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|             |  |                 |                |
|-------------|--|-----------------|----------------|
| Applicant:  | HERWIG   | Examiner:       | Unknown        |
| Serial No.: | 10/519,174   | Group Art Unit: | Unknown        |
| Filed:      | December 20, 2004  | Docket No.:     | 13027.0060USWO |
| Title:      | METHOD FOR THE DETERMINATION OF CHARACTERISTICS<br>AND/OR THE CLASSIFICATION OF CIRCULATING MACROPHAGES,<br>AND ANALYSIS ARRANGEMENT FOR CARRYING OUT SAID<br>METHOD |                 |                |

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 March 15, 2005.

By: Mele Caufman  
Name: Mele Caufman

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in an International Search Report mailed December 16, 2003.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

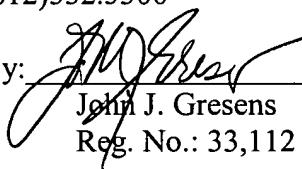
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612)332.5300

Dated: March 15, 2005

By:   
John J. Gresens  
Reg. No.: 33,112

JJG/mkc



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| FORM 1449*<br><b>INFORMATION DISCLOSURE STATEMENT</b><br><b>IN AN APPLICATION</b><br>(Use several sheets if necessary) |  |  | Docket Number:<br>13027.0060USWO | Application Number:<br>10/519,174 |
|  |  |  | Applicant: HERWIG                |                                   |
|  |  |  | Filing Date: December 20, 2004   | Group Art Unit: Unknown           |

| U.S. PATENT DOCUMENTS  |               |   |         |       |          |                            |
|--|---------------|---|---------|-------|----------|----------------------------|
| EXAMINER INITIAL   | DOCUMENT NO.  | DATE  | NAME    | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|  |               |   |         |       |          |                            |
|  |               |   |         |       |          |                            |
|  |               |   |         |       |          |                            |
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|  |               |   |         |       |          |                            |
| FOREIGN PATENT DOCUMENTS   |               |   |         |       |          |                            |
|  | DOCUMENT NO.  | DATE  | COUNTRY | CLASS | SUBCLASS | TRANSLATION                |
|  |               |   |         |       |          | YES                        |
|  | 198 50 049 A1 | 5/2000  | Germany |       |          | Abstract                   |
|  |               |   |         |       |          |                            |
|  |               |   |         |       |          |                            |
|  |               |   |         |       |          |                            |
|  |               |   |         |       |          |                            |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |               |   |         |       |          |                            |
|  |               | Shina, A. et al. "Immunoelectron Microscopic Localization of Prostatic-Specific Antigen in Human Prostate by the Protein A-Gold Complex", CANCER, vol. 60 pp. 1288-1293, 1987.                        |         |       |          |                            |
|  |               | Caestecker, M.P. et al. "The detection of intracytoplasmic interleukin-1 $\alpha$ , interleukin-1 $\beta$ and tumour necrosis factor...", JOURNAL OF IMMUNOLOGICAL METHODS, vol. 154 pp. 11-20, 1992. |         |       |          |                            |
|  |               | Brandt, Burkhard et al. "Isolation of Prostate-derived Single Cells and Cell Clusters from Human Peripheral Blood", CANCER RESEARCH 56 pp. 4556-4561, 1996.   |         |       |          |                            |
|  |               | Brandt, Burkhard et al. "Circulating Prostate-Specific Antigen/CD14-Double-Positive Cells: a Biomarker Indicating...", JOURNAL OF THE NATIONAL CANCER INSTITUTE vol. 89, no. 2 p. 174, 1997.          |         |       |          |                            |
|  |               | Kusaba, Mikako et al. "Analysis of Type 1 and Type 2 T Cells in Synovial Fluid and Peripheral Blood of Patients with Rheumatoid Arthritis", THE JOURNAL OF RHEUMATOLOGY vol. 25 pp. 1466-1471, 1998.  |         |       |          |                            |
|  |               | Herwig, Ralf et al. "Circulating Blood Macrophages of Prostate Cancer Patients Contain PSA in Combination With Structures of Epithelial Origin", JOURNAL OF UROLOGY vol. 169 p. 52, 2003.             |         |       |          |                            |

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|----------------------------------|-----------------|
| 23552<br>PATENT TRADEMARK OFFICE | DATE CONSIDERED |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.